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EXAMINER

LUU, THANH X

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/993,457

Applicant(s)

ZEHAVI, BEN

Examiner

Thanh X Luu

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2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2, 9 and 15 are objected to because of the following informalities:

In claims 2 and 9, "the amplitude" lacks proper antecedent basis. Further, it is unclear how a signaling means has an amplitude. As understood, the signal's amplitude is controlled.

In claim 15, "the person being signaled" lacks proper antecedent basis.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "2" in Figure 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim uses means plus function language, however, there appears to be no structure described in the specification that would enable one of ordinary skill in the art to make and use a "means to specify said specified electronic device."

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16, it is unclear in its given context what an equivalent to "a means to specify" a specified electronic device could be. Applicant has failed to disclose a structure that corresponds to the means to specify.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4 and 7-12, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Pelekis (U.S. Patent 6,380,844).

Regarding claims 1-4 and 7-12, Pelekis discloses (see Figure 2) a signaling apparatus, comprising: a photosensitive means (22), a controller (26) and a signaling

means (24); the controller being responsive to variations in light intensity as communicated to it by the photosensitive means; the controller having a memory (28) capable of storing data; and the controller using data from the memory to actuate the signaling means in response to specified conditions of light intensity. Pelekis further discloses (see Figure 2) a means to control an amplitude (30) of a signal of the signaling means. Pelekis also discloses (see Figure 2) means for quantifying luminosity (14), the controller using data from the memory to actuate the signaling means only in response to sensation of specified quantities of lumens. In addition, Pelekis discloses (see column 4, lines 24-25) means for placing data into the memory. Pelekis also discloses (see column 4, lines 30-55) a timing means, the controller being responsive to variations in time as communicated to it by the timing means, the controller using data from memory to actuate signaling means in response to specified conditions of time.

9. Claims 1, 5, 8 and 14, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Sacca (U.S. Patent 6,380,967).

Regarding claims 1, 5, 8 and 14, Sacca discloses (see Figure 2) a signaling apparatus, comprising: a photosensitive means (32), a controller (20) and a signaling means (10, 22, 30); the controller being responsive to variations in light intensity as communicated to it by the photosensitive means; the controller having a memory (internal to 20 and 10; see column 15, lines 40-45) capable of storing data; and the controller using data from the memory to actuate the signaling means in response to specified conditions of light intensity. Sacca further discloses (see Figure 2) a transceiver (30 or 26) capable of sending and receiving a signal through

telecommunication lines (24). Sacca also discloses (see Figure 4a) a timing means (clock signal 66) and the controller being responsive to variations in time.

10. Claims 1, 6, 8 and 13, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Henrie et al. (U.S. Patent 6,219,732).

Regarding claims 1, 6, 8 and 13, Henrie et al. disclose (see Figure 10) a signaling apparatus, comprising: a photosensitive means (186), a controller (160) and a signaling means (200); the controller being responsive to variations in light intensity as communicated to it by the photosensitive means; the controller having a memory (162, 164) capable of storing data; and the controller using data from the memory to actuate the signaling means in response to specified conditions of light intensity. Henrie et al. further disclose (see Figure 10) the signaling means is a transceiver (200 and 186) capable of sending and receiving a wireless signal. The controller is inherently responsive to variations in time (a clock signal) from a timing means (a clock) since it is connected to a computer.

11. Claims 15-18 and 20, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Bellomo et al. (U.S. Patent 6,504,908).

Regarding claims 15-18 and 20, Bellomo et al. disclose (see Figure 1B) a remote signaling apparatus, comprising: a timing means (12), a controller (11), and a wireless transmission means (see column 3, lines 20-25 and claim 14; cordless phone); the controller being responsive to variations in time from the timing means; and the controller having a memory (13) capable of storing data; the controller using data from the memory to actuate the wireless transmission means in response to specified

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conditions of time; the wireless transmission means sending a signal defined by data from the memory; the signal being receivable by a specified electronic device (cordless phone handset) carried by a person being signaled. The specified electronic device is inherently specified since the person carries the device. Bellomo et al. also disclose (see Figure 1B) displaying (15) the data from the memory and means for placing data (see column 5, lines 35-45) into memory. Bellomo et al. further disclose (see column 3, lines 20-25) having a speaker (phone handset) and sending auditory signals as claimed.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellomo et al. in view of Flittie (U.S. Patent 4,186,389).

Regarding claim 19, Bellomo et al. disclose the claimed invention as set forth above. Bellomo et al. further disclose (see Figure 1B) a smoke alarm (17). Bellomo et al. do not specifically disclose a photosensitive means and activating the signaling means according to a light intensity. Flittie teaches (see Figure 2) a smoke alarm comprising a photosensitive means (55). Thus, Flittie recognizes that a photosensitive means can serve as a simple and efficient smoke detector. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a

photosensitive means as the smoke detector in the apparatus of Bellomo et al. in view of Flittie to provide a cost effective and compact smoke alarm.


***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl  
May 27, 2003

  
Thanh X. Luu  
Patent Examiner